

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. v. Sean D. McCall

Docket No. 2:16-MJ-1037-1BO

Petition for Action on Probation

COMES NOW Lakesha H. Wright, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Sean D. McCall, who, upon an earlier plea of guilty to Driving While Impaired, in violation of 18 U.S.C. § 13 assimilating N.C.G.S. § 20-138.1, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on September 12, 2016, to 14 months probation under the conditions adopted by the court.

On October 3, 2016, a Violation Report was submitted to the court advising a urine specimen collected from McCall on September 26, 2016, was determined by the laboratory to be positive for marijuana. It was also noted that prior to submission of the urine specimen, the defendant admitted to using marijuana on September 16, 2016, and on September 17, 2016. Inasmuch as McCall acknowledged his drug use and was scheduled to undergo a substance abuse assessment with Pathways Counseling Center in Elizabeth City, North Carolina, on October 7, 2016, he was continued on supervision without modification.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

A urine specimen collected from McCall on January 12, 2017, was determined by the national laboratory to be positive for marijuana. On January 26, 2017, when confronted with the urinalysis results, the defendant admitted to the validity of the test. As a sanction for the violation, we are respectfully recommending the defendant be ordered to serve 2 days incarceration in the Bureau of Prisons. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. McCall is currently enrolled in substance abuse treatment at Pathways Counseling Center.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

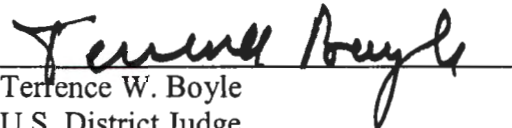
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Lakesha H. Wright
Lakesha H. Wright
U.S. Probation Officer
306 East Main Street, Room 306
Elizabeth City, NC 27909-7909
Phone: 252-335-5508
Executed On: January 31, 2017

ORDER OF THE COURT

Considered and ordered this 1 day of February, 2017, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge